S.B.Cr.Misc. II Bail App. No. 5575/2007
(Hafeej Khan and Ors. Vs. State of Rajasthan)

Date of order : 19/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.K.Charan for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application. Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and statements of witnesses.

While dismissing the earlier bail application on 26.9.2007, the petitioners were granted liberty to file fresh bail application after the statements of material witnesses namely Mohd. Rafiq and Ahmed Noor are recorded. Learned counsel for the petitioners submits that the trial court has now recorded the statements of these two witnesses as PW-1 Ahmed Noor and PW-2 Mohd. Rafiq and both these witnesses have not supported the prosecution case and turned hostile.

On careful perusal of the statements of these two witnesses, it appears that they do not implicate the petitioners and do not support the prosecution case and have turned hostile.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Hafeej Khan S/o Gulbaj Khan, Mustaq Khan S/o Gulbaj Khan and Ishtyak Khan S/o Gulbaj

Khan be released on bail in FIR No. 57/2007 P.S. Nekumb, district Chittorgarh, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP